

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CARRIE TEAGER,

Plaintiff,

vs.

JOHN C. BONEWICZ, P.C.,

Defendant.

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**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Carrie Teager brings this action to secure redress from unlawful credit and collection practices engaged in by defendant John C. Bonewicz, P.C. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt. It also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

**VENUE AND JURISDICTION**

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA) and 28 U.S.C. §§1331, 1337 and 1367.

4. Venue and personal jurisdiction in this District are proper because:

a. Defendant’s collection communications were received by plaintiff within this District; and

b. Defendant is located within this District.

**PARTIES**

5. Plaintiff Carrie Teager is an individual who resides in the Northern District of Illinois.

6. Defendant John C. Bonewicz, P.C. is a law firm organized as an Illinois professional corporation. Its principal place of business is located at 8001 Lincoln Avenue, Suite 402, Skokie, IL 60076.

7. The practice of John C. Bonewicz, P.C. consists primarily of consumer collection law. Defendant uses the mails and telephone to collect consumer debts originally owed to others.

8. John C. Bonewicz, P.C. is a debt collector under the FDCPA.

**FACTS**

9. Defendant has been attempting to collect from plaintiff an alleged debt incurred for personal, family or household purposes and not for business purposes.

10. Plaintiff received the following telephone messages from defendant:

a. September 20, 2010:

Hi, the message is for Carrie Teager. Ms. Teager, my name is Mishana calling from the Law Offices John C. Bonewicz. I need a return phone call at 1 800 700-2106, my extension is 7126. Again Ms. Teager, I'm calling from the attorneys office of John C. Bonewicz. I do need a return phone call at 1 800 700-2106, extension 7126. Thanks.

b. September 23, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

c. September 28, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

d. October 14, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

e. October 15, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

f. October 21, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

g. October 25, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

h. October 27, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

i. October 29, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

j. November 9, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

k. November 11, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

l. November 12, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call.

Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

m. November 15, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

n. November 29, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

o. December 16, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

p. December 17, 2010:

Hello, this is an important call for Carrie Teager. This is not a telemarketing call. Please ask Carrie Teager to call us at 800 700-2106. This is an attempt to collect a debt, and any information obtained will be used for that purpose. Thank you. Goodbye.

11. The telephone number 800-700-2106 is issued to defendant.

#### **COUNT I – FDCPA**

12. Plaintiff incorporates paragraphs 1-11.

13. Each telephone message was a “communication” within the meaning of 15 U.S.C. §§1692d(6) and 1692e. *Ramirez v. Apex Financial Mgmt., LLC*, 567 F.Supp.2d 1035 (N.D.Ill. 2008); *Foti v. NCO Financial Systems*, 424 F.Supp.2d 643, 669 (S.D.N.Y. 2006); *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F.Supp.2d 1104, 1112, 1118 (C.D.Cal. 2005); *Joseph v. J. J. MacIntyre Cos.*, 281 F.Supp.2d 1156 (N.D.Cal. 2003); *Stinson v. Asset Acceptance, LLC*, 1:05cv1026, 2006 WL 1647134, 2006 U.S. Dist. LEXIS 42266 (E.D. Va., June 12, 2006); *Belin v. Litton Loan Servicing, LP*, 8:06-cv-760-T-24 EAJ, 2006 U.S. Dist.

LEXIS 47953 (M.D.Fla., July 14, 2006); *Leyse v. Corporation Collection Servs.*, 03 Civ. 8491, 2006 U.S. Dist. LEXIS 67719 (S.D.N.Y. Sept. 18, 2006).

14. The telephone message described in paragraph 10a violated 15 U.S.C. §1692e(11), in that it did not contain the warning required by that section.

15. The telephone messages described in paragraphs 10b-p violated 15 U.S.C. §1692d(6), in that the messages did not identify defendant. See *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F.Supp.2d 1104, 1112, 1118 (C.D.Cal. 2005); *Wright v. Credit Bureau of Georgia, Inc.*, 548 F.Supp. 591, 593 (N.D.Ga. 1982); *Valencia v. Affiliated Group, Inc.*, 07-61381, 2008 U.S. Dist. LEXIS 73008 (S.D.Fla., Sept. 23, 2008).

16. 15 U.S.C. §1692d(6) makes it unlawful for a debt collector to engage in the following conduct: “Except as provided in section 1692b of this title, the placement of telephone calls without meaningful disclosure of the caller's identity.”

17. Section 1692e provides:

**§ 1692e. False or misleading representations [Section 807 of P.L.]**

**A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .**

**(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action. . . .**

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

s/ Daniel A. Edelman

Daniel A. Edelman  
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**NOTICE OF LIEN AND ASSIGNMENT**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/Daniel A. Edelman

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